

*CJC*

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Letters Patent of: )  
 ) Application No.: 10/051,625  
**Mayenberger** )  
 ) Examiner: J. Woo  
Patent No.: 6,837,895 )  
 ) Art Unit: 3731  
Issued: January 4, 2005 )  
For: **INSTRUMENT FOR PLACING SURGICAL CLIPS**

**Certificate**  
**JAN 27 2005**  
**of Correction**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**ATTENTION: Decision and Certificate  
of Correction Branch of the  
Patent Issue Division**

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 **ATTENTION: Decision and Certificate Branch** of the Patent Issue Division on January 17, 2005.

By: *Carol Prentice*  
CAROL PRENTICE

**REQUEST FOR CERTIFICATE OF CORRECTION**  
**PURSUANT TO 37 C.F.R. §1.322**

Dear Sir:

Transmitted herewith is a Certificate of Correction for U.S. Patent No. 6,837,895 which issued January 4, 2005. Upon reviewing the patent, the patentee noted several minor errors were made by the Patent and Trademark Office in printing the patent. Specifically, the minor errors appear in claims 1 and 5.

A Certificate of Correction is enclosed, and reads as follows:

In Claim 1, line 11, delete the word "the" at the beginning of the line.

In Claim 5, line 3, after the word "plate" insert a --,--.

In Claim 5, line 4, change the word "an" to --and--.

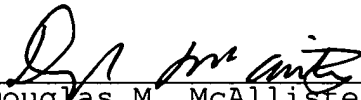
A copy of the Amendment filed on June 18, 2004 is enclosed evidencing the requested corrections. The final claim numbers and text from the examiner's amendment have been written on the Amendment to correspond to the patent text.

Since the errors for which a Certificate of Correction is sought were the result of Patent and Trademark Office mistakes, no fee is due (35 U.S.C. §254). The issuance of the enclosed Certificate of Correction is therefore respectfully requested.

Attached hereto, in duplicate, is Form PTO-1050, with at least one copy being suitable for printing.

Please send the Certificate to Patentee's undersigned representative.

Respectfully submitted,

  
\_\_\_\_\_  
Douglas M. McAllister  
Attorney for Applicant(s)  
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755 Main Street, Bldg. 8  
Monroe, CT 06468  
(203) 459-0200

**ATTORNEY DOCKET NO.: HOE-672**  
**Date: January 17, 2005**



HOE-672

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: \_\_\_\_\_ )

Rupert Mayenberger )

Serial No.: 10/051,625 )

Filed: January 18, 2002 )

Examiner: Julian W. Woo

Art Unit: 3731

For: INSTRUMENT FOR PLACING SURGICAL CLIPS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on: June 18, 2004.

By: \_\_\_\_\_

Carol Prentice

AMENDMENT

Dear Sir:

This Amendment is responsive to the Office Action mailed on April 27, 2004. Please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

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Amendments to the Claims:

Kindly amend Claims 1, 9, 11, and 13-16 as follows. This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

1. (Currently Amended) An instrument ~~Instrument~~ for placing U-shaped surgical clips comprising:

a magazine that has a distal and a proximal end in which several clips are arranged one behind the other in a guide and that can be pushed in a longitudinal direction, and, on the lower side of the magazine, a feeding plate which by means of flexible lugs is in contact with the back sides of the clips and can be pushed forwards and backwards by means of a pushing device over at least a distance between one clip and ~~the~~ a next clip parallel to ~~the~~ a guiding groove of the magazine, wherein ~~and thereby by this~~

the movement of pushing forwards shifts all the clips in the direction of the distal end of the magazine, the pushing device when pushed forwards thereby contacting the feeding plate at a point which is at a distance of at least half a length of the feeding plate away from the proximal end of the feeding plate, ~~wherein~~

the feeding plate in its region that is arranged distally to the contact point of the pushing device has a middle section standing out downwards which runs along at a distance to the clips guided in the magazine, and ~~wherein~~

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the feeding plate in its region arranged proximally to the contact point of the pushing device has a middle section standing out upwards which is positioned close to the clips guided in the magazine.

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2. (Original) Placing instrument according to claim 1 wherein the pushing device is a bar that is arranged under the feeding plate and that can be pushed forwards and pulled backwards, said bar having a side projection which when said bar is pushed forwards, comes into contact with an edge of the feeding plate standing out downwards out of the plane of the feeding plate.
3. (Original) Placing instrument according to claim 2 wherein the edge is formed by the middle section of the feeding plate, said middle section standing out downwards.
4. (Original) Placing instrument according to claim 2 wherein the bar is arranged proximally to the side projection close to the middle section of the feeding plate, <sup>standing out downwards</sup> and has recesses that form receptive chambers for the flexible lugs of the feeding plate when the bar is pulled back.
5. (Original) Placing instrument according to claim 2<sup>4</sup> wherein the bar has a circular cross section and wherein the side projection and the recesses are formed by ring collars or ring grooves respectively.

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1<sup>2</sup>6. (Original) Placing instrument according to claim 1 wherein the pushing device, when pulled back, contacts a flexible lug of the feeding plate with a side projection.

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1<sup>3</sup>7. (Original) Placing instrument according to claim 1<sup>12</sup> wherein the flexible lug is arranged at the proximal end of the feeding plate.

1<sup>4</sup>8. (Original) Placing instrument according to claim 1<sup>12</sup> wherein side projections on the pushing device are at a shorter distance to one another than corresponding contact points on the feeding plate.

1<sup>5</sup>9. (Currently Amended) Placing instrument according to claim 1 wherein the feeding plate runs parallel to the guiding groove of the magazine clips and can be pushed in said longitudinal direction in the magazine.

1<sup>6</sup>10. (Original) Placing instrument according to claim 1 wherein the clips are held in a detachable frictional connection in the guiding groove of the magazine.

1<sup>7</sup>11. (Currently Amended) Placing instrument according to claim 3<sup>1</sup> wherein the bar has a circular cross section and wherein the side projection and the recesses are formed by ring collars ~~or~~ and ring grooves respectively.

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12. (Original) Placing instrument according to claim <sup>4</sup> wherein the pushing device, when pulled back, contacts a flexible lug of the feeding plate with a side projection.

---

13. (Currently Amended) Placing instrument according to claim 2 wherein the feeding plate runs parallel to the guiding groove of the magazine ~~elips~~ and can be pushed in said longitudinal direction in the magazine.

14. (Currently Amended) Placing instrument according to claim 3 wherein the feeding plate runs parallel to the guiding groove of the magazine ~~elips~~ and can be pushed in said longitudinal direction in the magazine.

15. (Currently Amended) Placing instrument according to claim <sup>4</sup> wherein the feeding plate runs parallel to the guiding groove of the magazine ~~elips~~ and can be pushed in said longitudinal direction in the magazine.

16. (Currently Amended) Placing instrument according to claim <sup>2</sup> wherein the feeding plate runs parallel to the guiding groove of the magazine ~~elips~~ and can be pushed in said longitudinal direction in the magazine.

17. (Original) Placing instrument according to claim 3 wherein the bar is arranged proximally to the side projection close to the middle section of the feeding plate, and has recesses that form receptive chambers for *standing out downwards,*

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Serial No.: 10/051,625

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the flexible lugs of the feeding plate when the bar is pulled back.

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REMARKS

~~This Amendment is responsive to the Office Action mailed on~~  
April 27, 2004. Claims 1-17 are pending in the application. Claims 1, 11, and 13-16 are objected to because of informalities. Claims 1-17 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 9, 11, and 13-16 have been amended. No new matter has been introduced as a result of these amendments.

Allowable Subject Matter

The Applicant thanks the Examiner for the indication of allowable subject matter of claims 1-17. The Examiner has indicated the reasons for allowable subject matter.

Claim Objections

Applicant has amended claims 1, 11, and 13-16 in accordance with the Examiner's concerns.

35 U.S.C. § 112, second paragraph

Applicant has amended claims 1, 9 and 13-16. Specifically, claim 1 now includes in part the claim element of "a feeding plate which by means of flexible lugs is in contact with the back sides of the clips and can be pushed forwards and backwards by means of a pushing device over at least a distance between one clip and ~~the~~ a next clip parallel to ~~the~~ a guiding groove of the magazine." Claim 1 as amended sets out particular subject matter with a reasonable degree of clarity and particularity.

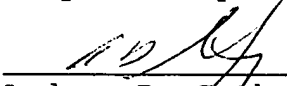
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With respect to dependent claims 9, 10 and 13-16, proper antecedent basis is provided in independent claim 1 and intervening claims depending therefrom.

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In view of the above, entry of the present amendment and reconsideration and allowance of each of the claims is respectfully requested. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,

  
\_\_\_\_\_  
Andrew D. Gachy  
Attorney for Applicant(s)  
Registration No. 46,441  
Law Office of Barry R. Lipsitz  
755 Main Street  
Monroe, CT 06468  
(203) 459-0200

Attorney Docket No.: HOE-672  
Date: June 16, 2004

COPY

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO. : 6,837,895

DATED : Jan. 4, 2005

INVENTOR(S) : Mayenberger

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Claim 1, line 11, delete the word "the" at the beginning of the line.

In Claim 5, line 3, after the word "plate" insert a -- , --.

In Claim 5, line 4, change the word "an" to -- and --.

## MAILING ADDRESS OF SENDER:

PATENT NO. 6,837,895

Lipsitz & McAllister, LLC  
755 Main St., Building 8  
Monroe, CT 06468

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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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28 JAN 2005

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,837,895  
DATED : Jan. 4, 2005  
INVENTOR(S) : Mayenberger

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